

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

KYLE GREGORY STONE,

Plaintiff,

v.

N. LARSON,

Defendant.

Case No. 2:20-cv-144

HON. JANE M. BECKERING

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**ORDER**

Plaintiff, a prisoner in the custody of the Michigan Department of Corrections, filed this civil rights action pursuant to 42 U.S.C. § 1983. Defendant filed a Motion for Summary Judgment (ECF No. 31). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (ECF No. 39) on August 26, 2022, recommending that this Court grant in part and deny in part the Motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 39) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (ECF No. 31) is GRANTED IN PART AND DENIED IN PART. Specifically, the Court: (1) grants the Motion dismissing Plaintiff's Eighth Amendment claim for the denial of one meal; (2) denies the Motion with respect to Plaintiff's Eighth Amendment claim arising out of the refusal to provide him water for four days; and (3) denies the Motion with respect to Plaintiff's First Amendment retaliation claim.

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to modify Defendant's party name to Neal Larson, consistent with the caption in the Motion (ECF No. 31).

Dated: September 21, 2022

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge